

Attorney Docket No. SUN-P6432-SPL

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

In re Application of: Walster et al.
Application No.: 10/042,883
Filing Date: 8 January 2002
Title: Method and Apparatus for Solving an Inequality
Constrained Global Optimization Problem

The owner*, Sun Microsystems, Inc. of a 100 percent interest in the above-identified instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/017,574, filed on 13 December 2001. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, in is in any manner terminated prior to expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant

☒ A terminal disclaimer fee of \$130 under 37 C.F.R. §1.20(d) is included herewith.

☐ As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further, that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

06/03/2005 BABRAHA1 00000052 10042883

01 FC:1814

130.00 OP

Respectfully submitted,

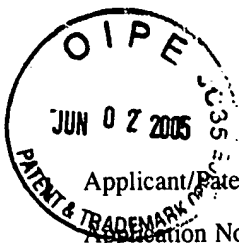
By

Edward J. Grundler (Patent Agent)
Registration No. 47,615

Date: 31 May 2005

PARK & VAUGHAN LLP
2820 Fifth Street
Davis, CA 95616-7759
(530) 759-1663

*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).



Certificate Under 37 CFR 3.73(b)

Applicant/Patent Owner: G. William Walster et al.

Application No./Patent No.: 10/042,883

Filed/Issue Date: 8 January 2002

Entitled: Method and Apparatus for Solving an Inequality Constrained Global Optimization Problem

SUN Microsystems, Inc.

(Name of Assignee)

a Corporation

(Type of Assignee, e.g. corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 012470, Frame 0146, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the patent and Trademark Office at
Reel __, Frame __, or for which a copy thereof is attached

2. From: _____ To: _____

The document was recorded in the patent and Trademark Office at
Reel __, Frame __, or for which a copy thereof is attached

3. From: _____ To: _____

The document was recorded in the patent and Trademark Office at
Reel __, Frame __, or for which a copy thereof is attached

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application/patent identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.


The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

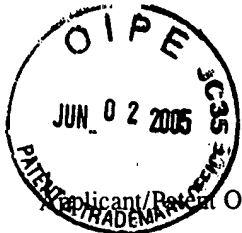
I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application/patent or any patent issuing thereon.

Date: 31 May 2005

Name: Edward J. Grundler (Reg. No. 47,615)

Title: Patent Agent

Signature: 



Certificate Under 37 CFR 3.73(b)

Applicant/Inventor/Owner: G. William Walster et al.

Application No./Patent No.: 10/017,574 Filed/Issue Date: 13 December 2001

Entitled: Applying Term Consistency to an Inequality Constrained Global Optimization Problem

SUN Microsystems, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g. corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 012388, Frame 0210, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the patent and Trademark Office at Reel __, Frame __, or for which a copy thereof is attached

2. From: _____ To: _____

The document was recorded in the patent and Trademark Office at Reel __, Frame __, or for which a copy thereof is attached

3. From: _____ To: _____

The document was recorded in the patent and Trademark Office at Reel __, Frame __, or for which a copy thereof is attached

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application/patent identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application/patent or any patent issuing thereon.

Date: 31 May 2005

Name: Edward J. Grundler (Reg. No. 47,615)

Title: Patent Agent

Signature: Edward J. Grundler